

FILE COPY

STATE OF WISCONSIN
BEFORE THE ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS EXAMINING BOARD
PROFESSIONAL ENGINEERS SECTION

IN THE MATTER OF THE APPLICATION
FOR A LICENSE TO PRACTICE
PROFESSIONAL ENGINEERING OF

Case LS9111251ENG

WILMA CAROL MARCY LABELLE,

Applicant

ORDER DENYING PETITION FOR REHEARING

The above-captioned matter was commenced as a class 1 proceeding within the meaning of Wis. Stats. sec. 227.01(3)(a), by the filing of a Notice of Hearing on November 25, 1991. The Notice of Hearing indicated that the purpose of the proceeding was to provide the applicant, Wilma Carol Marcy LaBelle, a hearing upon the following action taken by the Professional Engineers Section of the Architects, Professional Engineers, Designers and Land Surveyors Examining Board:

"On September 27, 1991, the Wisconsin Professional Engineers Section denied your application for a license to practice professional engineering on the grounds that you did not meet the applicable education/experience engineering requirements and notified you of this decision by a letter dated October 16, 1991....The issue raised for consideration at the hearing on the denial of your application for licensure is:

"Section 443.04, Stats., enumerates various provisions that an applicant for registration as a professional engineer shall submit satisfactory evidence of engineering education and satisfactory experience in engineering work of a character indicating the applicant is competent to be placed in responsible charge of such work, and you did not submit satisfactory credentials in support of your application."

The hearing was held on March 24, 1992 in Room 133 at 1400 East Washington Avenue, Madison, Wisconsin. The applicant, Wilma Carol Marcy LaBelle, appeared personally and without legal counsel. Roger R. Hall appeared as the attorney for the Department of Regulation and Licensing, Division of Enforcement. A transcript of the proceeding was prepared, and was received by the administrative law judge on June 17, 1992.

The Proposed Decision of the Administration Law Judge was received by the Professional Engineers Section of the board on July 3, 1992, and the section adopted the Proposed Decision as its Final Decision and Order in the matter on August 14, 1992. Ms. LaBelle timely filed her Petition for Rehearing pursuant to Wis. Stats. sec. 227.49 on September 3, 1992, and the section considered the petition at its meeting of November 6, 1992.

Based upon the petition and upon all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the Petition for Rehearing of Wilma Carol Marcy LaBelle in the above-captioned matter be, and hereby is, denied.

DISCUSSION

Under 227.49(2), a rehearing may be granted only on the basis of some material error of law, some material error of fact, or the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence. In her petition, Ms. LaBelle cites to what she considers to be instances of all three bases for granting such a petition.

The issue at hearing in this matter was whether Ms. LaBelle had met the experience requirements of Wis. Stats. sec. 443.04(1)(d), which requires:

"satisfactory evidence of a diploma of graduation, or a certificate, from an engineering school or college approved by the examining board as of satisfactory standing in an engineering course of not less than 4 years, together with an additional 8 years of experience in engineering work of a character satisfactory to the examining board and indicating that the applicant is competent to be placed in responsible charge of such work."

Based on information provided by Ms. LaBelle to the board relating to her engineering experience, she was granted credit only for four and one-half months. Ms. LaBelle supplemented that information at hearing, but the state's expert witness nonetheless testified that he essentially agreed with the board's assessment.

Based on the foregoing, Ms. LaBelle's alleged errors of law and fact have little relevance to the issues of the case. Errors of law cited by Ms. LaBelle include first, claimed inaccuracies in an affidavit by an investigator for the department which was not introduced into evidence; second, a claim of a conflict of interest based upon the

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allegation that the husband of the former director of the state bureau in which the board is housed is a banker; third, the fact that the Proposed Decision served on her was a copy rather than the original; and fourth, various references to past law suits and past wrongs committed against her.

As to the Findings of Fact, Ms. LaBelle states, "There are errors of fact regarding my age, sex, marital status, identity, law proceedings, some of my education, and some of my engineering work." The last of these would have relevance to the issue litigated if substantiated; but Ms. LaBelle does not elaborate.

Under the heading "New Evidence," Ms. LaBelle lists various events and makes various representations, none of which would seem to relate to the issue of whether her engineering experience meets the requirements of Wis. Stats. sec. 443.04(1)(d).

Having concluded that Ms. LaBelle has failed to establish any material error of law or fact, and has failed to establish the discovery of new evidence sufficiently strong to reverse or modify the board's order, her petition must be denied.

Dated this 6th day of November, 1992

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

by Mark Nurczyk
Mark Nurczyk, P.E.
Chairman, Professional Engineers Section.